

November 16, 2020

KAREN MITCHELL  
CLERK, U.S. DISTRICT COURTIN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

No. 3:20-MJ-1225-BN

DEVIN MAURICE BROWN, JR.

**GOVERNMENT'S MOTION FOR PRETRIAL DETENTION**

The United States asks for the pretrial detention of defendants under Title 18, United States Code, Sections 3142(e) and 3142(f).

1. **Eligibility of Case.** This case is eligible for a detention order under

18 U.S.C. § 3142(f) because it is a case that involves:

- ☐ A crime of violence as defined in 18 U.S.C. § 3156(a)(4). (18 U.S.C. § 3142(f)(1)(A)).
- ☐ An offense for which the maximum sentence is life imprisonment or death. (18 U.S.C. § 3142(f)(1)(B)).
- ☒ Controlled substances offense for which the maximum sentence is 10 years or more. (18 U.S.C. § 3142(f)(1)(C)).
- ☐ A felony that was committed after the defendant had been convicted or two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses. (18 U.S.C. § 3142(f)(1)(D)).
- ☒ A serious risk defendant will not appear. (18 U.S.C. § 3142(f)(2)(A)).
- ☐ A serious risk defendant will obstruct or attempt to obstruct justice, or threaten, injure or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror. (18 U.S.C. § 3142(f)(2)(B)).
- ☐ A felony that involves a minor victim in a qualifying offense or failure to register as a sex offender. (18 U.S.C. § 3142(f)(1)(E)).
- ☒ A felony that involves the possession or use of a firearm or destructive device, or any other dangerous weapon. (18 U.S.C. § 3142(f)(1)(E)).

2. **Reason for Detention.** The Court should detain defendant because no condition or combination of conditions will reasonably assure:

☒ Defendant's appearance as required.  
☒ Safety of any other person and the community.

3. **Rebuttable Presumption.** The United States will invoke the rebuttable presumption against defendant under 18 U.S.C. § 3142(e).

The presumption applies because:

☒ Probable cause to believe defendant committed 10 + year drug offense or firearms offense, 18 U.S.C. § 924(c). (18 U.S.C. § 3142(e)).  
☐ Previous conviction for "eligible" offense committed while on pretrial bond. (18 U.S.C. § 3142(e)(1)-(3)).  
☐ Probable cause to believe defendant committed a federal crime of terrorism as defined by 18 U.S.C. § 2332b(g)(5).  
☐ Probable cause to believe defendant committed a qualifying offense involving a minor victim. (18 U.S.C. § 3142(e)).

4. **Time for Detention Hearing.** The United States requests the Court conduct the detention hearing:

☐ At first appearance.  
☒ After continuance of three days  
☐ After continuance of 10 days under 18 U.S.C. § 3142(d).  
☐ Moot at this time as defendant is in state custody. Hearing requested if detention becomes a viable issue.

Respectfully submitted,

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UNITED STATES ATTORNEY

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